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Harcourt, Richard*

SPEECH

BY THE

Hon. R. Harcourt

ON

THE NEW LICENSE BILL.

HON. R. HARCOURT, M.P.P., Provincial Treasurer, in moving the second reading of the License Bill, during the Session of the Ontario Legislature, 1897, spoke as follows:—

This bill has been discussed largely in the press ; it has been discussed at public meetings. Such merits as it has have been pointed out, and its demerits also from one point of view have been made known. It is not surprising, Sir, that a bill dealing with this subject should receive marked attention throughout the country. The subject is deserving of the attention which it receives. No matter of legislation more affects the welfare of our people, more deeply concerns the betterment of their condition, than this legislation affecting the liquor problem and the direction of temperance sentiment in our midst. Similar legislation, or similar attempts at legislation in every other country have received just the same attention at the hands of the press, in public meetings and otherwise. Not only, therefore, have we the advantage of its being thoroughly discussed in the country, but we have also the advantage of learning the views of very important delegations, which at one time or another, representing different sides of the question, have waited not only upon the government but upon groups of honorable members who perchance differ from the government.

It is to be regretted, Sir, that the discussion evinces only a partial knowledge of the contents of the bill, only a limited apprecia-

tion of its provisions. The bill which is now under consideration in the minds of honourable members differs materially from the bill as read the first time in this House. The fact of the general discussion in the country and in the press, to which I have alluded, would make it almost unnecessary for me to say anything on this occasion, were it not for this other fact to which I have just alluded, that considerable additions and very important amendments are contained in this bill as compared with the provisions of the original bill.

Experience of the Past.

It is a trite observation to say that there is not and cannot be any scientific basis for legislation of this kind. Dealing with almost any other subject, a parliament or legislature can find some scientific basis by way of precedent or otherwise, upon which to found the provisions of a bill. The only basis that will be considered a test or a guide in dealing with this complicated and troublesome question of the liquor traffic is the experience of the past. A bill which would or might suit one country or one province, would be found quite inadequate, quite unsuitable to the needs or conditions of the people of another province. It might well happen that a bill which had been found to work well, to be effective in one State of the Union for example, would be vain and futile and ineffective in another state of the same Union. Therefore, the only test this legislature can safely adopt concerning legislation of this kind, is our own experience in the past. That being so, I purpose with the approval of the House to-night, in the first place to review the legislation of this province on this question of the liquor traffic. Having reviewed past legislation, I purpose then, secondly, to ask the House to consider with me what the results of our legislation have been—whether satisfactory or otherwise; and in the third place, I purpose referring seriatim almost, and with some detail, to the provisions of the amended bill, which is now in the hands of honourable gentlemen.

I premise, Sir, what I have to say in speaking of the past legislation of this chamber on this liquor question by remarking that in the main it has been eminently satisfactory. We have done well in this province in our attempts to promote a temperance sentiment, in our desire to better the condition of our people. I cannot imagine that there will be any difference of opinion in this chamber

as to that fact. The deplorable drinking habit which prevailed in this province twenty or thirty years ago is a "thing of the past." There has been nothing short of a revolution concerning this question of the drinking habit as it concerns our people. "He who runs may read." I need not argue as to this, since every middle-aged man in this province knows full well that the evil consequences of the drink habit twenty or thirty years ago were common and noticeable, and that to-day they have been narrowed down very satisfactorily; and we are proud to think of this result.

If we look at our statute books, Sir, dealing with this question, we will find that since 1876 no fewer than twelve statutes dealing with our license laws have been passed by this chamber,—twelve statutes inside of twenty years. And if honourable gentlemen will take up those statutes one by one, if they will in detail read every section and examine and criticise the provisions of those twelve different statutes, they will come to this conclusion, that in each and every case they were timely, opportune, and up to the moral or temperance sentiment of the people of this province; and on each of these twelve occasions when this House seriously and deliberately addressed itself to some solution of this complicated subject, it is a matter of satisfaction to know that the people whom the legislation affects approved of it, gave it its moral support, and that the legislation was therefore effective.

Our legislation on these lines has been effective just because we have not gone a step too far on either occasion; just because on each occasion we had the firm, the well ascertained and serious and sustained convictions of the people in support of the legislation we gave the country. Now these new instalments, I might call them, amending the legislation of 1876—the important legislation of that time—these new instalments, each one of them engrafted on existing legislation, made useful and wise provisions. And they were useful, they were wise and they were effective,—just because they were moderate; because they commanded the moral support of the people they concerned; because the great mass of people approved of the legislation this House saw fit to pass. To have gone one step farther on any one of these twelve occasions we would have run this risk, that the sentiment of the people might have lagged behind our legislation. Following that, there would have been lax enforcement of the law, and as a consequence those demoralizing influences which, this House can well understand, lax enforcement of any law carries in its train.

And that fact is especially true of legislation of the kind I am asking this House to consider. This kind of legislation is particularly difficult of enforcement. That is a trite observation. There can be no difference of opinion regarding it, and such legislation being especially difficult of enforcement, it is all the more necessary that we should go slowly, that we should "hurry slowly," that our measures should be moderate so as to commend themselves to the views and sentiments of the masses of the people whom the legislation affects.

A Moderate Bill Wanted.

I think that on these grounds I am warranted in entering a plea for the provisions of the bill, which on the threshold I declare to be moderate. I say that the bill will commend itself to honourable gentlemen and to the country generally, just because it is moderate ; and I repeat that my argument to-night will be a plea for moderate legislation—such legislation as will commend itself to and command also the sympathies of the people. All kinds of opinions are held as to what is timely legislation on this question : and I speak generally now, not of this province, but of all countries. I repeat, all kinds of opinions diametrically opposite are held as to legislation concerning the liquor problem. Not only all kinds of opinions are held, but they are honestly held, sincerely and candidly held by men who have no selfish purpose to serve. For example let me outline what I mean. There are some who think, some enthusiastic people with high aims and honest intentions, that the whole problem would be solved if you do away with the saloons of the province. Then again, sir, people equally honest, equally sincere, who have given just as much attention to the subject, argue just the contrary ; and they say that it does not follow that if you diminish the number of saloons you diminish the quantity of liquor that is consumed, or promote a temperance sentiment and the sobriety of the people. These two views are held by people equally disinterested in their motives and with aims equally high. Then again, another class of people will say, hedge the traffic round with more restriction, place about it every restriction which a mind trained to the framing of laws can devise, and in that way you will lessen the evils of the liquor traffic. Another set of people answer that by saying : Not at all ; you misapprehend the whole subject, inasmuch as if you unduly harass the traffic you make your laws

impossible of enforcement, and therefore you create a greater evil, for which you provide no adequate remedy. Others say, let the traffic do its business in shorter and fewer hours and you solve the problem; and the reply is: that if you do so you do not lessen the evils of the traffic, you simply open the doors to selling in illegal dives, and in another way you create evils for which you provide no remedy. Even our two large and influential temperance organizations, the Dominion Alliance and the Royal Templars do not fully and in all regards agree as to the best methods to be adopted for the suppression of the evils of the liquor traffic. Some there are who believe that prohibition itself is the supreme remedy for this difficulty. I express no opinion as to that, but I simply observe that thousands of men of highest motives, of noblest aims, who have given close attention to this subject, dispute that view in toto, and they ask the question: Has it been a result in those states of the Union where there is a prohibition amendment in force that liquor is no longer sold? And there again I find a difficulty. I allude to these matters simply to show that the question is a complicated one, that it bristles with difficulties, that extreme views, no matter how honestly held, are not views likely to lead to such legislation as will be easily enforced and command the sympathies of the people. These are a few of the difficulties incident to legislation touching the traffic we are now discussing.

Limiting of Licenses.

In no time in the history of this chamber has this House turned a deaf ear to a reasonable request from any portion of our citizens to further restrict the traffic; to so restrict it that the restrictions would be observed and that the law could be enforced. We all remember that in 1876 very important legislation in this direction was enacted. The issuing of licenses in that year was withdrawn from Municipal Councils and placed in the hands of Boards of License Commissioners. I think that the majority of people in this country approve of that change. As a fact they have frequently approved of it, and the result has been satisfactory. I will allude to that question later on.

In that year for the first time, 1876, the number of licenses was limited according to our population, and in that same year inspectors were appointed by the Government to enforce the law. The following year restrictions were placed upon the sale of liquor by

druggists, and we purpose in the present bill—as a continuation of the principle of that section—to impose further restrictions on the sale of liquor by those whose primary business it is to sell drugs and medicines.

In 1877 restrictions were placed upon the sale of liquors on vessels, and in the same year the penalties for infractions of the law were increased. In that year also a provision was made by which the officers of the law could search unlicensed premises, in order to convict parties who were presumably guilty of infractions of the law. In three years following each other this House addressed itself to this important and difficult problem.

The following year provision was made for the enforcement of the Dunkin Act and for paying costs and charges in connection with it. There was no legislation until three years elapsed from that date. In 1881 a provision was made for the issue of what were called beer and wine licenses. Penalties were further increased in that year for infractions of the law. For the first time the man who actually sold the liquor was made liable; and in that same statute additional provision was made for searching premises and for the confiscating of liquor found in those premises. It was thought necessary and wise in that year to make provisions for enforcing the Scott Act, and it was done. Police commissioners and Chiefs of Police were in that same statute specially charged with the duties of enforcing the license laws of the province.

Then in 1884 a statute containing very important provisions, and also very useful provisions, was passed by this legislature. The saloon question was dealt with in that year. It is being dealt with in the bill I now ask the House to consider. In that year the number of saloon licenses in cities was limited, and it was enacted that no saloon license was thereafter to be granted in a town which had not 6,000 population. In that same year, 1884, provision was made for publishing the names of new applicants for licenses, and for a notice to be given as to location of premises, description and other similar items. The privilege was granted to the electors in 1884 to oppose, by means of petition, the granting of licenses; and a provision enacted that the majority of electors might prevent the issue of new licenses; and this enactment has proved to be both useful and effectual. In the same year it was provided that no new shop licenses could be granted in premises in which some other trade was carried on, or other goods sold. In that same statute

more stringent provisions were enacted concerning sales of liquor to habitual drunkards. And a provision was for the first time enacted, to the effect that there should be only one bar-room in licensed premises. In that same year we have a very important provision forbidding the sale of liquor on ferry boats; and in the same statute additional penalties were imposed for refusing lodging on the part of those who held liquor licenses. In this year, also, we passed a clause forbidding the sale of liquors to parties under the age of sixteen years. I may observe that that is the age in some States of the Union now. We are again dealing with that question, and perhaps there is no more important provision in the bill I am asking the House to consider than the provisions relating to minors. In that same year, the license fees were again increased, and very influential men and thoughtful men, who give great attention to social questions, believe that is a considerable advantage from a temperance standpoint, to increase from time to time, the fees which liquor licensees pay either to the Government or to municipalities.

Penalties, Sales to Minors.

In 1886 the penalties were once again increased; and in that year an inspector was appointed for the province to audit accounts, to investigate complaints and attend to other duties assigned to him. I need say nothing further about it, inasmuch as this appointment is discussed in this House every session, and we are not all agreed concerning it. In that same year, the frequenters of bar-rooms on Saturday nights and Sundays were made liable to arrests, and those who, without licenses, dealt in liquors, were made liable to severe penalties. It was also provided in that year that in the rural municipalities, one Justice of the Peace sitting alone, could hear cases arising out of illegal infractions of the law. Two years thereafter, additional legislation was made for enforcing the Scott Act, and in 1889, still further provisions were enacted against those who purchased liquor in unlicensed places. In 1890, most valuable and most important provisions were added to our license laws by way of instalments. One of these, and not the least important, in this: that new applicants for licenses, for premises not under license, were required to produce certificates signed by a majority of the electors. In that year, it was provided that no vessel could hold a license for selling liquor; penalties were again increased for selling

without licenses, and the age of minors in 1890 was raised from sixteen to eighteen. The owners of houses in which liquors were illegally sold, in that statute were made liable, and no appeals were allowed in the case of unlicensed persons who were convicted for infractions of the law. That year gave us our local option law. In 1891, further provision was made for hearing special cases in the Court of Appeal concerning these local option by-laws, and that legislation, as hon. gentlemen know, has been made use of time and again. In 1892, provisions were made for the enforcement of the License Act as applied to or as concerning these local option municipalities. In that year the question of sales to habitual drunkards was again taken up, and other provisions, and it was thought, useful provisions enacted. The question of sales by druggists was again taken up that year, and brewers were restricted in their sales to parties who held licenses. Both these restrictions have been found to be useful and valuable. That same year, the members of municipal councils and constables were rendered ineligible as bondsmen for license holders; and it was enacted that local option by-laws should not be repealed for three years.

I ask hon. members to consider the number of ways in which this House in these twelve statutes addressed itself to the solution of the liquor question, and to remember that the House gave to it earnest and careful attention on all these occasions; and although the legislation granted did not meet the views of some citizens—men whose sincerity, whose enthusiasm in the cause of temperance no one could doubt, and the sincerity of whose wishes no one could question—yet it has been proved to be useful and effective, and the result has been as satisfactory as its advocates ever suggested or dreamed of.

All these statutes did one or two things, and in some cases they did both of these things, viz: to impose a further restriction which was found to be useful, or to provide means for enforcing the law after it was made law. These different changes in the law were made in response to public sentiment. As public sentiment advanced, additional provisions concerning this question were placed in our statutes. In response to popular sentiment well ascertained, these items of legislation, these instalments of legislation, were given to our people from time to time. Aside from this, I ask the House to remember that the Minister of Education in 1886 introduced temperance instruction in all the public schools of the pro-

vince--in five or six thousand public schools, and that this was done by means of text books specially provided for the purpose. I ask the House further to remember that four years ago the Minister of Education made it compulsory that temperance instruction should be imparted in our public schools; and I further ask hon. gentlemen to refer to the last report of the Minister of Education, in which you will find the gratifying statement that last year 191,715 pupils received instruction from these text books, imparted by their teachers on matters dealing with the subject of temperance. The importance of that instruction, the far reaching consequences of it, no one can estimate. That instruction in itself assists from time to time in paving the way for additional instalments of legislation concerning the license question. Now I come to the result of this legislation.

Effects of Past Legislation.

I have said that we have had a dozen statutes passed in eighteen or twenty years. How can we judge of their efficacy? We must look at the results; and the only way to estimate these results is to resort to such statistics as the blue books of the Dominion or our own province will furnish. I repeat that one result is, I do not say solely due to legislation, that the people of this province are noticeably a sober people. I can substantiate that by reference to statistics. If these statistics are of any value, they prove abundantly that the people of this province are more noticeable for their sobriety than the people of any other province in the Dominion. The statistics to which I will refer are within the reach of every hon. gentleman. I will first of all quote from the Dominion Year Book, taking the two years for 1884 and 1894, and I find that the number of convictions for drunkenness in this province in 1883 was one for every 423 people; whereas ten years thereafter it was one for every 670 people, an advance of 50% in the direction we all hope for and look for. In Quebec in 1884 there was a conviction for every 862 of the population; whereas in 1894 there was a conviction for every 359 of the people. Matters had grown 50% better in this province during that decade, and 100% worse in the sister Province of Quebec.

We hear much as to advanced temperance sentiment in the Province of Nova Scotia. The number of convictions in Nova Scotia in 1884 was one for every 751 of the population, and in 1894 it was

one for every 361 of the population. So, under this much-vaunted, much-boasted legislation of the Province of Nova Scotia, the number of convictions has doubled in ten years; whereas it has been lessened by 50% in the limits of our own province. In New Brunswick there has been an improvement, though not as great as in our own province. In British Columbia there has been not an improvement, but the reverse. In Prince Edward Island there has been some improvement; but the grand result arrived at by comparison is this: That, taking the whole list of provinces, Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, the Province of Ontario presents noticeably a better shewing than any other province in the Dominion.

Maine.

Now some figures as to the State of Maine, of which we always hear when the liquor problem or the license question is under discussion; I have the statistics for five years of the State of Maine, from 1888 to 1892. I will take the statistics of this province for the same five years. I will take the four largest cities in the State of Maine and the four largest cities in Ontario, and this is the result: consider in each case arrests for drunkenness per thousand. In Portland, the largest city in Maine, 39 out of every thousand; in Toronto, the largest city of Ontario, less than half that number were arrested for drunkenness. Lewiston, the next largest city in the state of Maine, I will compare with the city of Hamilton. In Lewiston there were eleven arrests per thousand, whereas in Hamilton there were only six. Taking the whole four cities added together in the state of Maine, with an aggregate population of 99,000—Portland, Lewiston, Bangor and Biddeford—there were 30 people per thousand arrested for drunkenness during that period. In our four largest cities—Toronto, Hamilton, Ottawa, London—there were 13 people per thousand arrested for drunkenness. We have not got the official figures from 1892 to the present from Maine, but we have for our own province. But we learn unofficially and reliably that there has been no improvement in the State of Maine in the matter of arrests since 1892, and it is gratifying to this House to know that each year since 1892 there has been a marked improvement in this province in the same direction. The result therefore is that, as far as statistics can give them to us, this province presents a better showing under license than the State of

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Maine under a prohibition law. As proof, we find that 1.92 per thousand were committed for drunkenness in that period of five years; in Maine nearly twice as many, as compared with this province under license.

The somewhat equally interesting result is arrived at if we consider the reduction of licenses under the statutes to which I have alluded. I will take four years which could not be affected by the Scott Act. The Scott Act was for a time enforced in more than twenty counties in this Province, but I do not take Scott Act years. The number of licenses which were granted in 1874, 1881, 1891 and 1896 were respectively 6,185, 4,049, 3,523 and 3,132; so that since 1874 we have cut off, through the provisions of our statutes, more than one-half of our licenses. Only 3,000 licenses were issued in 1896, as against 6,000 licenses in 1874. We have one license now for every 700 of our people. In 1874 we had one for every 262 of our people.

The city of Toronto, in 1874, had a population of less than 63,000. In that year it had 300 tavern licenses, 150 shop licenses, 18 wholesale licenses and 10 saloon licenses, or altogether 487 licenses.

In 1896 its population had grown to about 190,000 and it had only 140 tavern licenses, 50 shop licenses, 7 wholesale licenses, and 10 saloon licenses, or altogether 207 licenses.

These figures show admittedly great improvement. A great stride has been made in promoting temperance sentiment, and this marked improvement in some sense—I do not say in every sense—in some degree, I do not say completely, must be attributed to the legislation passed by this House.

Some Criminal Statistics.

The commitments for drunkenness in this province are equally noticeable under the moderate legislation which this House has given the country from time to time. There has been marked improvement. In 1875 there were 3,868 committed; in 1881 there were 3,497; in 1891 there were 2,736; and in 1896 there were only 1,907 people; so that since 1875, a period of twenty years, the number of commitments for drunkenness in this province has been cut in two. Only 1,907 in 1896, as compared with 3,686 twenty years ago, in 1875. Last year only one out of 1,148 people in this province were committed for drunkenness; twenty years ago one

out of every 444 was committed for drunkenness. But more noticeable still are the figures if we take the Scott Act period, as we call it. Honourable members will remember that in 1886, 1887 and 1888 twenty-five of our counties out of forty-one were under the Scott Act—more than half of our counties. I ask honourable gentlemen to notice the figures as shown by the commitments for drunkenness in these three Scott Act years. In 1886 the number of commitments was 3,555 ; in the following year 4,180, and in the last Scott Act year 4,451. The number of commitments increased during each of the Scott Act years. Then I take the last three license years—1894, 1895 and 1896. The number of commitments in 1894 dropped from 4,400 to 2,274. The following year, 1895, it again dropped to 2,237, and last year it dropped to 1,907. In our last three license years the total number of commitments was 6,418 ; whereas in the three Scott Act years it was 12,186.

I think I may fairly argue, that there has been a moral revolution in the drinking habits of our people, and that this revolution is partly attributable to the wise provisions of this legislature, and partly to the fact that, the laws have been reasonably well enforced—as well enforced as is possible when we consider the nature of these laws. Some may argue that we have relaxed the law under which people are committed for drunkenness, but I have not been dealing with the arrests to which these apply. I allude to the provisions of 55, 58 and 59 Vic., which deal with the release of persons arrested for drunkenness. I am not alluding to the actual arrests, but to commitments, which are two different things, so that my comparisons are fair.

I have now briefly alluded to our past legislation, and also to some of the results of that legislation ; and I have asked the House to notice that these twelve statutes, one after the other, step by step, gave an instalment in the direction wished for and asked for by those who now criticize our bill, by saying, that it does not go far enough on temperance lines. I might add that we have 916 municipalities ; that in one-fifth of them there is no license at all granted for the sale of liquors, viz : 185 municipalities ; and further, that in 228 municipalities, there are only two licenses each granted. Those figures are both instructive and interesting, if they be examined carefully and thought over.

The New Bill.

Now I come to the provisions of the bill of which I move a second reading. In the first place, at the first glance at the amended bill, it will be found that it deals with the population limit; and I must, in the nature of the case, speak very hurriedly. We now propose, that hereafter there shall be only three licenses for the first one thousand of population. Formerly there were four; and we ask that beyond the first one thousand, there shall be one license for every 600 instead of 500—a very decided advance. It may be said that we only cut off by this legislation, a matter of 130, perhaps 140 licenses; some say 153, certainly it is in the neighborhood of 150. I do not understand the position of those who say that there is nothing good in this new provision. If gradually year by year, as I have shewn, we have been able to reduce the number of licenses these last twenty years, and if it appears that 150 licenses are now to be cut off by statute, surely that is going in the right direction, and making a measurable advance.

But to those who argue that we are not going far enough in this direction, I ask them not to overlook other important provisions of the bill. The License Commissioners, in exercising the duties and powers given to them under existing legislation, have frequently refused licenses; and is still within the power vested in the municipal councils by by-law, further to reduce the number of licenses; and in the third place, we have the local option clauses to which I referred. Now you have a threefold way in which to reduce the number of licenses. By statutory provision, this bill we are now considering cuts off 150 licenses. If that be not enough, if local sentiment be educated in advance of this bill, our own local governing bodies, our municipal Councils, can do as they have always done, and once a year further restrict the number of licenses. On page 2 of this Act, there is set out the conditions under which a by-law reducing the number of licenses can be hereafter passed by the municipal councils in cities and towns. It is provided, for example, that a notice of an application to pass the by-law must, on or before the 15th November, be signed by 100 electors in a city, and 50 in a town, and filed with the Clerk of the municipality; and this notice sets out that application will be made to the Council for the passing of a by-law on or before the 15th February following, and the Council on or before 1st of March, may pass a by-law further reducing the number of licenses. We must not forget that the

municipal Councils have exercised this power in the past. For example, in 1887 the Council of this city in one by-law, cut off 74 tavern licenses and 16 shop licenses. The Council of Hamilton in 1894, by a by-law, cut off 19 tavern licenses and 10 shop licenses. In London in 1892, through existing procedure of reduction by by-law, there were cut off 7 tavern licenses and 4 shop licenses. In Ottawa only last year—a few months ago,—provisions were made for cutting off 15 tavern licenses. So that this retaining in the municipal councils the power to reduce is no idle power given to them. They have used the power, and have used it so as to cut off 105 taverns and 30 shops in the four instances; and I have only given some of the instances of the kind which, if time allowed, I might cite to the House.

The other side to this question is that only a few municipalities have availed themselves of this power. We learn this lesson from that fact, viz: that public sentiment is perhaps not advanced far enough to warrant this House in making a more extreme provision as to this population limit than we are now asking the House to adopt.

Some weeks ago I attempted to get some useful information from our License Boards in the 97 license districts. I have been able to get information from 45, nearly one-half of the Boards, and 438 municipalities, which is more than one-half of the total number of municipalities. The information I have I believe to be instructive and I know it will interest honorable members. The information comes from 438 municipalities. Out of that 438, 105 have heretofore taken advantage of the power given to municipalities to reduce the number of licenses by by-law, so that one-quarter of the number of municipalities we have heard from have taken advantage of that provision of the law, and only one-quarter. Now still further, in seven out of these 105 which passed by-laws, no limitation was provided as to the number of taverns; and in 68 of them, half of the 105, there was no limitation as to the number of shops. But this other fact is very interesting, viz., that in 35 cases the municipalities through their Councils reconsidered the by-laws. Now what did they do upon reconsidering the question? In twenty out of thirty-five cases, the municipal Council in reconsidering the conclusion they had previously come to, extended the limit and granted more licenses; and fifteen did the reverse, and reduced the number; shewing that perhaps it is wise to go slowly, inasmuch as it

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cannot be clear to honorable members that public sentiment, as shewn by influence brought to bear upon the direct representatives of the people in the municipal Councils, demands a heroic or drastic change.

License Commissioners.

I now refer to License Commissioners, to shew how they have dealt with and used the powers given to them. In 69 out of the 105 municipalities the License Commissioners issued fewer licenses than the by-laws called for: and that shews that these much criticized—I might say much abused—Commissioners were in advance of the municipal Councils in the matter of their attempt to reduce the number of licenses. In 69 out of 105 the License Commissioners responded more readily and more quickly to the wishes of those who have at heart the promotion of the temperance interest, than did the municipal Councils, the direct representatives of the people. Local option by-laws have been passed in only two instances in this province since 1894.

I simply wish to remind the House as to some facts which are pertinent to a careful consideration of this bill.

Is this legislature to be blamed for not going further in the matter of this population limit, when we find that a large residuum of power in this very direction is in the hands of the direct representatives of the people—the Municipal Councils; when we find that an inherent power rests in our License Boards to reduce the granting of licenses, when we find that Municipal Councils have used the power given to them, that the License Commissioners have also taken advantage of the power entrusted to them, and that there is still the open door to every earnest temperance advocate in this country to suppress the trade altogether, and to educate the people up to the point in any municipality to pass a local option bylaw and close all the taverns in that locality? I submit that, as to the population limit, there certainly is every necessary provision in the existing law, as amended by the bill we are now considering, to reduce, and bring about still further reduction from year to year, through the direct representatives of the people. I find that there is no population limit at all in British Columbia. There is no population limit in the important province of Prince Edward Island; that there is none in Nova Scotia, of the advanced moral sentiment of which we hear so much. Any number can be granted in Nova Scotia.

The law fixes no limit in that province, and does not state that there shall be only such or such a number; and I find the same thing is true of Quebec, so that in four of our provinces—British Columbia, Prince Edward Island, Nova Scotia, and Quebec, there is no provision at all fixing a limit upon the number of licenses granted from year to year. There are some enthusiastic, earnest-minded men in this province who say to us it should not be three per thousand—it should be only two. My answer is that the hon. gentlemen of this Legislature are as anxious as these enthusiastic temperance workers are to promote in any feasible way the cause of temperance and we say to them that when we fix the population limit at three per thousand, we give them another door by which the number may be reduced. They can appeal for reduction to their municipal councils; nay, they can demand it of them. They can, by their votes, insist that there be a still further reduced number. They can by a moral sentiment influence the License Commissioners, when when I have proven by actual statistics to be more readily responsive to this sentiment than municipal councillors.

Aside from that, it may be said that this is not necessarily the last word of this Legislature on this question. We are not prone to hang our last word. We remind honorable gentlemen and the country also that what we call the "plebiscite" is soon to be voted upon; and in the light of that fact, surely we can be contented with the three fold provisions, aside from the statutory reduction to which I have alluded, by means of which a still further decrease in the number of licenses can be had. We started twenty years ago with 8,000. We have got down to 3,000. We are reducing it by 100 by a stipulation in the amendment of the bill which we are considering, and our Municipal Councils can make a still further reduction; and temperance advocates, provided they can educate the ratepayers up to their own sentiments, so that they will see eye to eye with them, can secure local option clauses and still further reduce the number of licenses to be granted.

Hours of Closing.

Now I ask honorable gentlemen to notice the clause of the bill which concerns the hour of closing—on page four, clause nine of the bill. We have every sympathy with those, whether they come by deputation, or their views are expressed in the public print, or in whatever way, we have sympathy for those who say to us, you

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should reduce the hours of closing; you should place further restriction in that way, and by so doing you would greatly promote the cause of temperance and moral reform. I have this to say: we have 97 license districts. I again repeat, that under the existing law, as honorable gentlemen know, License Commissioners, and they alone, can regulate the hours of closing. Now what has been done in these 97 districts? In 37 out of 97 heretofore no hours of closing were fixed at all by the License Board. I am not referring to Saturday night or Sunday, for which we have a statutory limit. I am referring to the action of the License Commissioners, so that we start to-night with this fact that in 37 out of 97 there is no limit at all. Now what does the clause do which honorable gentlemen are considering? By that clause, with machinery exactly similar to the machinery governing Municipal Councils, hereafter when they seek by by-law to reduce the number of licenses, Councils may determine the hours of closing. We fix them in the bill at eleven o'clock in towns and cities and 10 o'clock in other municipalities. What is the effect of that? How does that work out? We have 816 municipalities. This clause of the bill will fix the hour of closing in 706 municipalities out of 816 at 10 o'clock in the evening. In seven municipalities out of eight in this Province, if this bill becomes law, for the first time the hour of closing will be fixed at 10 o'clock; and in the remaining municipalities it will be fixed at 11 o'clock. We may be met again, Sir, by the statement "that you might go further. That is all very well, but why not make a further step in advance in dealing with the hours of closing?" I ask you again to consider the provisions of the bill on pages 4 and 5; and there we make it possible for the electors bringing their influence to bear upon the Municipal Councils to still further reduce the hours of closing, so that the people may govern, and if they do not like 10 o'clock they may make it a still earlier hour. If in cities and towns they do not like 11 o'clock they can shorten it one hour or more, just as the Municipal Council, the voice of the people, declares. That this provision is rendered less effective, in that we require a notice to be given to the Clerk of the Municipality, that we require 100 electors, say in this city of 200,000 souls, to sign a notice to the Council to pass a by-law shortening the hours of closing--that this involves too much trouble--no one will contend. I know that no honest, enthusiastic temperance advocate in this province will avail himself of that argument. He will say we are willing, we have

always been willing to give time and trouble and substance to promote this cause of moral reform, and the machinery which the Act provides for, viz, a notice that in the following year an application to the Council will be made to still further limit the hours of selling, will not deter us. This condition is not a harsh condition, but a reasonable condition and feasible, and of easy accomplishment; a condition to which no moderate man will think of raising an objection for a single moment. I claim, therefore, that this one provision as to the hours of closing, of itself greatly commends the bill to the minds of honest men throughout this province. That clause justifies this bill, and the power reposed in Municipal Councils makes it easily within the reach of our people to place once a year a further limit, and the following year a still further limit, in the matter of hours of closing. You will remember that in our bill, year by year this power is entrusted and given to the Municipal Council. And the same thing as to the hour of opening. It may be made later by the action of the Municipal Council. It must not be forgotten that the legislation we are asking the House to accept does not interfere with any regulation of the License Board now in force, provided that regulation is for an earlier hour of closing than the statutory hour. The right of the License Commissioners to go below the 10 o'clock is not only preserved, but if they have taken that action their action stands, and the earlier hour they name in their regulation prevails.

Sales to Minors.

I pass on to what perhaps is the most important feature of the bill, and that is the clause relating to minors, on page 5. I asked honourable gentlemen to remember a few days ago, and I remind them now, that some years ago we placed the limit at sixteen years. As time went by and as the moral sentiment of the people called for a change, we raised it to eighteen, and the limit is at present eighteen; and now we are asking this House in reponse to what evidently is the firm wish of our people, once again to raise the limit and to fix it at twenty-one years. I say that this is as important a feature as could be contained in any bill dealing with the license question, and why it is important, Sir, I need not argue. If in the tender years of the life of any young man he fails to acquire the evil habit of over-indulgence in strong drink; if he reaches twenty-one saved from that vice, the chances are ninety-nine to one that

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no temptation thereafter can overcome him: so that if we protect the lads of this province, and if we hedge them round with safeguards up to the time when they become twenty-one years, when they have reached man's estate, when they are accountable for debt as other full grown men are accountable, we place upon our statute-book a provision than which nothing can be conceived which could be more valuable and useful.

But we go further in this bill. Liquor is sold in Clubs in the cities and larger towns of the Province. In this city there are perhaps two score of them or more. Some have charters under which they have a right to sell liquor; some have been incorporated through one of the Departments of this Government, and their letters of incorporation prevent them selling liquors. We have all kinds of Clubs differently governed and differently regulated; and one of the most valuable provisions of this bill is to make it an illegal act to sell liquor in any club or society to a boy or girl under twenty-one years of age. I need not enlarge upon the usefulness of this clause. I ask this House to notice, that in another way, and if possible a better way, a more effectual way still we protect the youths of the country from the dangers of over-indulgence in strong drink. We have a clause the heading of which is "minors loitering in bar rooms" if you will look on page 5, subsection 4 of clause 10. That provision makes it illegal for a boy to loaf or loiter in a bar room or tavern where liquor is sold. The boy himself can be fined; and the keeper of the tavern is liable to a fine.

Now I ask honourable gentlemen to conceive, if you can, the possible good, nay the likely good, from that single clause in our bill. If we can keep the boys at home off the streets, and make their education something other than a pavement education, if we can close the bar room doors to them and the clubs until they are 21 years, then I say we have done more to promote a healthful and effectual moral sentiment than we have ever been able to accomplish in any other statute. We have 2,114,000 people in this province. Of this number 1,101,000 are under the age of 21 years; so that half our population, Sir, come under prohibition by this clause of the bill. Better still, between the ages of 18 and 21 years we have 135,000 people in this province; so that by these provisions in our bill, apparently simple provisions, we effectually shield—and for the first time as effectually as legislation can devise—135,000

...the influence which everybody admits is incident to the indulgence of liquor on the part of the youths of our country.

On page 6 will be found an altogether new provision which makes it impossible to erect a tavern hereafter within say 300 feet of a church or school. There may be no specific virtue in 300 feet, and the committee will say 350 or 400 feet; but, I argue, the provisions will be found not only to be one in response to the temperance advocate, but it will be such a response as will commend itself to the masses of our people.

I deal now for the moment with the penalty clauses of the bill, which will be found on page 8 of the amended bill. Under section 79 of the existing law we have penalty clauses which may result in the cancellation of a license if it be found that the licensee is allowing gambling or riotous conduct to be permitted in the hotel. In section 91 of the existing law a county judge under certain conditions can cancel the license. We go further in the provisions of this bill, and make it law that if a licensee knowingly allows liquor to be sold during prohibited hours, and if he be three times convicted on three different days within two years, the License Commissioners not only may, but shall revoke his license. I am sure you will agree with me that this provision will have a healthful, deterrent effect, and that hereafter it will be easier for the Department and for the Commissioners in the districts to enforce our Sunday clause, or any clause dealing with the sale of liquor during prohibited hours. And further, not only shall the license be cancelled but the licensee shall not be allowed to get a license for three years thereafter. He is disqualified from holding a license during that time.

Saloons.

On page 6 there will be found a clause dealing with the saloon licenses. We have in this province 34 saloons—10 in Toronto, 10 in Hamilton, 4 in London, 4 in Ottawa, 2 in Peterboro, 2 in Windsor, 1 in St. Catharines and 1 in Stratford. On the first day of April, 1898, half of them are wiped out, and on the first of April, 1899, the remaining half disappear. So that in two years from the opening days of the ensuing license year every saloon in the province will be wiped out. There are 34 of them; and some say that this is not doing very much, but if there happened to be a line in this bill which would permit of the granting of 34 new licenses we

would hear a great deal about it. There certainly is something to be said of that provision which will remove 34 saloon licenses on premises which have not tavern accommodations, and for the existence of which less can be urged than for the existence of other licenses.

Sales by Druggists.

Then again we deal, on page 3, with the matter of the sale of liquor by druggists. We are asking the House to limit them to selling in quantities up to six ounces, unless the liquor be mixed with other drugs, and should it be so mixed, then the limit is one pint. And there are these further restrictions, that a druggist cannot sell a spoonful of it unless he has a prescription, a bona fide prescription made out by a duly qualified practitioner; and further, that a receipt shall be made of each and every sale. Now that is a marked step in advance. We have been so cutting down the licenses that it is alleged that in the large cities in not a few cases druggists sold liquor as a beverage and simply as a beverage. The temptation was great, and it is sought by this section to limit this evil. On page 4, we have these words, sub-section 7: "Any chemist or druggist who sells or otherwise disposes of any liquor to be consumed on the premises as a beverage, or with soda water, seltzer, apollinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall be liable to the penalties imposed by section 70 of this Act." It has been said that druggists, under the color of selling these very harmless beverages have resorted to the device of mixing the drink—of putting a stick in it, by the illegal use of the real article. This section then will prevent druggists putting liquor into so-called "temperance beverages."

Then there is the residential clause, and if hon. gentlemen have read the provisions of the bill, I need say but little about them. The restrictions or the conditions precedent will not be found harassing or vexatious. Under the new provisions any ten electors can by a requisition ascertain beforehand from the Commissioners who are to decide the matter whether the locality is a residential one or not, so that that question is got out of the way by a requisition signed by the ten electors in a polling district. Then the ten electors or other parties may see that the other proceedings follow in due time, and it becomes the duty of the License Board (the conditions having been fulfilled) to make it impossible that a license shall be granted in that district.

Contrasted with Nova Scotia.

I have been making some enquiry as to the working of the license laws in the Province of Nova Scotia. Some of our best men coming to this House as members of deputations have pointed to it always as a system to be envied. I have reminded the House that in that province there is no population limit at all, and that there are some very serious defects which go to the root of the matter in the license laws of Nova Scotia. For example, the licenses are issued by the Municipal Councils of the Province of Nova Scotia, and there is no limit to the number of them. The License Inspectors are appointed by the Municipal Councils. No one would suggest that we go back to that system here-- a departure from which was eagerly sought by the people long years ago. But further, the Act in Nova Scotia, while some of its provisions are more rigid than corresponding provisions in our bill, is by no means enforced. I ask you to listen to me while I quote from reliable authorities as to the working of the law in that province. Mr. John A. MacKasey, License Inspector of Halifax, said that six sergeants of police had been appointed as his assistants, but that it would require an inspector to be placed in every licensed place to carry out the law. And that is the state of things in Nova Scotia. Respecting his own position this License Inspector says, "I am now annually appointed by the City Council, and that takes away my independence to a certain extent." Regarding the issuing of licenses, he testified that even if he reported unfavorably the Council would grant the license. Such a thing never has occurred and never can occur in Ontario. The Nova Scotia Legislature simply passed the Act and handed it over to the Municipalities to enforce it. The Municipalities have not proved equal to the task.

Then Mr. Bulmer, an advanced prohibitionist in Nova Scotia, gives similar testimony, and he says emphatically that the license provisions of Nova Scotia are by no means enforced. This proves that if your provisions are extreme, too heroic, too drastic, if you cannot carry popular sentiment with you, you cannot enforce the law, and it is idle to think of passing a law which cannot be enforced. I remind the thousands of earnest men who ask for a measure more heroic than this, more drastic than this, I remind this House, that in all great social questions such as this, the growth of sentiment is necessarily slow, is a matter of education. There is an educational process required first of all, before your legislation can be at all effective. The first illustration which would come to your

mind or mine would be the case of John Howard, the prison reformer, who opened the doors of dungeons, and who was able to do more than is permitted to most men to lessen the sum of human misery. Did John Howard accomplish his work in a week? In a month? Did he accomplish it in a lifetime? The work to which he gave his life still goes on, and other philanthropists are taking it up and carrying it on in the same line. John Howard could not get legislation until the people were educated up to the views and saw eye to eye with him. The same applies to Wilberforce, who helped to free the slave; to the life work of Shaftesbury, and to Samuel Plimsoll, the seamen's friend. I repeat that it is idle to legislate until education has done its work, until the people see eye to eye with those who ask for this or that advance, and until public sentiment is ripe it is idle to ask for extreme or heroic measures of legislation.

I have taken some pride in proving, to my own satisfaction, at any rate, that the people of this Province are eminently a sober people. I have accounted in my own mind, partly at least, for this eminently satisfactory state of things by referring to the wise legislation of this chamber on twelve different occasions. I do not pretend that legislation in itself and by itself alone accomplished this great work. Then what did accomplish it? My answer is that every pulpit in this land, and there are tens of thousands of them, have assisted in bring about this great change, and in promoting temperance sentiment. I answer that every school-house in this land, six or seven thousand of them, day by day and month by month, has assisted in educating our people up to a greater and still greater advance on temperance lines. I answer that the press of the country—and no tongue can tell how much the people of any country owe to the press in its powerful advocacy of reform—has contributed to this result. I say that every well regulated home in this land, and every happy fireside has contributed in bringing about this great result. And I cannot say, I cannot apply the scales, I do not pretend to weigh or measure it, I cannot say just to what extent the work of legislation has contributed to this result. I do argue that it has done much, and what it has done it has been able to do only when the educational process has made the people ripe for the legislation which the legislation from time to time enacted.

I ask this House to agree with me, all things considered, in the light of all that has been accomplished—our licenses, 3,000 less in number

than they were twenty years ago ; our people more temperate than those of any Province or State on this continent ; the number of those committed for drunkenness one-third of what it was twenty years ago ; I ask you to remember with me that this has been accomplished under moderate legislation, step by step legislation, under the policy of "hurry slowly," and, judging from the past, I ask you to agree with me that if the legislation on this bill is to be effective, is to be useful, is to lead to grand results, it can only be effective in proportion to its moderation, and in proportion to the extent in which it shall carry with it the moral sentiment of the whole community.

SCHEDULE B.

Recapitulation, showing the total number of provincial licenses issued in the several counties in the Province, including the cities, during the license years 1874-5-6-7-8-9-80-1-2-3-4-5-6-7-8-9-90-1-2-3-4-5.

Years.	Tavern.	Shop.	Wholesale.	Vessel.	Total.
1874.....	4,793	1,307	52	33	6,185
1875.....	4,459	1,257	78	24	5,818
1876.....	2,977	787	147	27	3,938
1877.....	2,845	739	65	27	3,676
1878.....	2,910	724	52	29	3,715
1879.....	3,199	757	42	22	4,020
1880.....	3,227	760	40	22	4,049
1881.....	3,311	764	34	24	4,133
1882.....	3,217	787	35	24	4,163
1883.....	3,363	781	36	21	4,201
1884.....	3,253	675	28	14	3,970
1885.....	2,574	525	24	9	3,132
1886.....	1,567	367	28	12	1,974
1887.....	1,496	325	28	13	1,862
1888.....	2,086	336	26	17	2,445
1889.....	3,073	445	27	15	3,560
1890.....	3,071	428	24	.....	3,523
1891.....	2,990	403	21	.....	3,414
1892.....	2,966	378	25	.....	3,369
1893.....	2,888	357	31	.....	3,276
1894.....	2,785	337	29	.....	3,151
1895.....	2,779	327	26	.....	3,132

The Six Months' Licenses and the Licenses *extended* do not appear in the above Schedule or recapitulation, and as a consequence the total number of Licenses issued, according to the Statement, does not correspond with the number as shown in Schedules A. and C. Beer and Wine Licenses are included with the ordinary licenses, under the heads of Tavern Licenses and Vessel Licenses respectively. An *extended* License is good for a period not exceeding

three months. It is not in the nature of a new license, but simply a permission, granted by the Board of Commissioners, to the holder of a license expiring in April, to continue his business under the old license for the specified period, that he may be enabled to dispose of his stock on hand and quit the business without loss. Six Months' Licenses run from the first day of May to the thirty-first day of October, and are not valid after the latter date. They are granted in localities which are largely resorted to in summer by visitors, where the Board of Commissioners are of opinion that increased tavern accommodation for the summer months is necessary.

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